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EXTRAORDINARY

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MINISTRY OF LAW

New Delhi, the 7th August, 1957

THE ESSENTIAL SERVICES MAINTENANCE ORDINANCE, 1957

No. 5 OF 1957

Promulgated by the President in the Eighth Year of the
Republic of India.

An Ordinance to provide for the maintenance of certain
essential services and the normal life of the community.

WHEREAS a Bill to provide for the maintenance of certain essential
services and the normal life of the community has been passed
by the House of the People;

AND WHEREAS the Council of States is not in session and the
President is satisfied that circumstances exist which render it
necessary for him to take immediate action to give effect to the Bill;

Now, THEREFORE, in exercise of the powers conferred by clause (1)
of article 123 of the Constitution, the President is pleased to
promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Essential Services Short title
and extent.
Maintenance Ordinance, 1957.

(2) It extends to the whole of India except the State of Jammu
and Kashmir.

2. (1) In this Ordinance—

Definition.

(a) “essential service” means—

(i) any postal, telegraph or telephone service;

(ii) any railway service or any other transport service
for the carriage of passengers or goods by land, water or air;

(iii) any service connected with the operation or maintenance of aerodromes, or with the operation, repair or maintenance of aircraft;

(iv) any service connected with the loading, unloading, movement or storage of goods in any port;

(v) any service in any mint or security press;

(vi) any service in any defence establishment of the Government of India connected with the manufacture, storage or distribution of arms, ammunition or other military stores or equipment;

(vii) any service which the Central Government, being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service or would result in the infliction of grave hardship on the community may, by notification in the Official Gazette, declare to be an essential service for the purposes of this Ordinance;

(b) "strike" means the cessation of work by a body of persons employed in any essential service acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are or have been so employed to continue to work or to accept employment.

(2) Every notification issued under sub-clause (vii) of clause (a) of sub-section (1) shall be laid before each House of Parliament as soon as may be after it is made, and shall cease to operate at the expiration of forty days from the re-assembly of Parliament unless before the expiration of that period a resolution approving the issue of the notification is passed by both Houses of Parliament.

Explanation.—Where the Houses of Parliament are summoned to re-assemble on different dates, the period of forty days shall be reckoned from the later of those dates.

Power to
prohibit
strikes in
certain
employments

3. (1) If the Central Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by general or special order, prohibit strikes in any essential service specified in the Order.

(2) An Order made under sub-section (1) shall be published in such manner as the Central Government considers best calculated to bring it to the notice of the persons affected by the Order.

(3) An Order made under sub-section (1) shall be in force for six months only, but the Central Government may, by a like Order, extend it for any period not exceeding six months if it is satisfied that in the public interest it is necessary or expedient so to do.

(4) Upon the issue of an Order under sub-section (1),—

(a) no person employed in any essential service to which the Order relates shall go or remain on strike;

(b) any strike declared or commenced, whether before or after the issue of the Order, by persons employed in any such service shall be illegal.

4. Any person who commences a strike or remains or otherwise takes part in a strike which is illegal under this Ordinance shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees or with both. Penalty for illegal strikes.

5. Any person who instigates, or incites other persons to take part in, or otherwise acts in furtherance of, a strike which is illegal under this Ordinance shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both. Penalty for instigation, etc.

6. Any person who knowingly expends or supplies any money in furtherance or support of a strike which is illegal under this Ordinance shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both. Penalty for giving financial aid to illegal strikes.

5 of 1898. 7. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence under this Ordinance. Power to arrest without warrant.

14 of 1947 8. The provisions of this Ordinance and of any Order issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force. Ordinance to override other laws.

RAJENDRA PRASAD,

President.

G. R. RAJAGOPALU,
Addl. Secy. to the Govt. of India.

